

AMENDED IN SENATE AUGUST 7, 2012

AMENDED IN ASSEMBLY APRIL 30, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2531

Introduced by Assembly Member Allen

February 24, 2012

An act to add Section 7295 to the Welfare and Institutions Code, relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

AB 2531, as amended, Allen. State hospitals: prohibited items.

Existing law provides for state mental hospitals for the treatment of mentally disordered persons. Existing law places these hospitals under the jurisdiction of the State Department of ~~Mental Health~~ *State Hospitals*, and authorizes the department to adopt uniform rules and regulations regarding the conduct and management of these facilities, including prohibiting patients from possessing certain items. Existing law requires the hospital director to be responsible for the overall management of the hospital, and authorizes the hospital director to establish rules and regulations, as specified, concerning the care and treatment of patients, research, clinical training, and for the government of the hospital buildings and grounds.

This bill would authorize a state hospital under the jurisdiction of the State Department of ~~Mental Health~~ *State Hospitals* to develop a list of items that are deemed contraband and prohibited on hospital grounds. This bill would require the hospital to form a contraband committee, as prescribed, to develop the list of contraband items, and would require the list *of contraband items developed by the state hospital* to be subject

to review and approval by the ~~director~~, *Director of State Hospitals* or his or her designee, and updated no less often than every 6 months. *This bill would also require the State Department of State Hospitals to develop a list of items that shall be deemed contraband at every state hospital, subject to review and approval by the Director of State Hospitals.* This bill would require ~~the~~ *a* state hospital to post the ~~list~~ *lists developed pursuant to these provisions throughout the hospital and on its Internet Web site.* This bill would authorize ~~the~~ *a* hospital and the department to implement, interpret, and make specific these provisions without taking regulatory action.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7295 is added to the Welfare and
2 Institutions Code, to read:
3 7295. (a) To ensure its safety and security, a state hospital that
4 is under the jurisdiction of the State Department of ~~Mental Health~~
5 *State Hospitals*, as listed in Section 4100, may develop a list of
6 items that are deemed contraband and prohibited on hospital
7 grounds, and control and eliminate contraband on hospital grounds.
8 (b) *The State Department of State Hospitals shall develop a list*
9 *of items that shall be deemed contraband at every state hospital.*
10 ~~(b) The~~
11 (c) *A state hospital shall form a contraband committee,*
12 *comprised of hospital management and employees designated by*
13 *the hospital's director, to develop the list of contraband items. The*
14 *committee shall develop the list with the participation of patient*
15 *representatives, or the patient government of the hospital, if one*
16 *is available, and the Office of Patients' Rights.*
17 ~~(c) The~~
18 (d) *Each hospital list of contraband items is developed pursuant*
19 *to subdivision (a), and the statewide list of contraband items*
20 *developed pursuant to subdivision (b) are subject to review and*
21 *approval by the Director of ~~Mental Health~~ State Hospitals or his*
22 *or her designee.*
23 ~~(d) The~~
24 (e) *A list of contraband items developed pursuant to subdivision*
25 (a) *shall be updated and subject to review and approval by the*

1 director of the department, or his or her designee, no less often
2 than every six months.

3 *(f) If an item presents an emergent danger to the safety and*
4 *security of a facility, the item may be placed immediately on a*
5 *contraband list by the Director of State Hospitals or the executive*
6 *director of the state hospital, but this placement shall be reviewed*
7 *by the contraband committee, if applicable, and approved by the*
8 *Director of State Hospitals or his or her designee within six weeks.*

9 ~~(e)–~~

10 *(g) The list of contraband items developed pursuant to this*
11 *section shall be posted prominently in every unit of the hospital*
12 *and throughout the hospital, and provided to a patient upon request.*

13 ~~(f)–~~

14 *(h) The list of contraband items developed pursuant to this*
15 *section shall be posted on the hospital's Internet Web site.*

16 *(i) For the purposes of this section, "contraband" means*
17 *materials, articles, or goods that a patient is prohibited from*
18 *having in his or her possession because the materials, articles, or*
19 *goods present a risk to the safety and security of the facility.*

20 ~~(g)–~~

21 *(j) Notwithstanding Chapter 3.5 (commencing with Section*
22 *11340) of Part 1 of Division 3 of Title 2 of the Government Code,*
23 *the hospital and the department may implement, interpret, or make*
24 *specific this section without taking regulatory action.*